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Written statement* submitted by the European Centre for Law and Justice / Centre Européen pour le Droit et la Justice, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Requesting that the U.N. hold Pakistan accountable to international agreements it has signed to protect its minority citizens' lives and fundamental freedoms

1. INTRODUCTION

The Islamic Republic of Pakistan continues to violate the human rights of its religious minorities. Instances of mob violence; police torture; false accusations of blasphemy; rape, murder, and other forms of violence occur on a regular basis. Authorities in Pakistan have shown a continuous inability or unwillingness to protect its minorities from human rights abuses.

The ECLJ's affiliate office in Pakistan has first-hand knowledge about many instances where religious minorities, especially Christians, have endured persecution and offers them legal assistance.

2. BACKGROUND

Pakistan has violated the human rights of religious minorities by allowing terrorist groups to attack minorities with impunity; maintaining broad and abusive blasphemy laws that carry the potential of capital punishment; and inadequately responding to and punishing crimes targeting Christians.

One of the most tragic examples of religious persecution is attacks on Christian churches and communities both by terrorists as well as Muslim mobs. After Easter Sunday this year, terrorists gunned down four members of a Christian family in Quetta1. In March of this year, seven Christians were injured when a group of Muslims, armed with guns, batons, and bricks, attacked King Jesus Church in Burewala2. In December 2017, eleven Christians were killed and fifty more injured by terrorists during an attack on Bethel Memorial Methodist Church, located in Quetta.3 The same month, three people, including a seven-year-old Christian boy, were killed by a hand grenade attack in a Christian neighbourhood4.

In addition to acts of violence and terrorism by non-state actors, Pakistan's blasphemy laws are infamous for their scope and brutality. The statute prohibiting derogatory speech against the Prophet Muhammad covers anything, words or gestures, that can be interpreted as blasphemous by a listener5. As a result, the blasphemy laws are easy to misuse, and charges often result because of personal vendettas between the parties. Since Pakistan enacted these laws in the 1980s, over one thousand cases have been registered and over forty people are on death row or serving life sentences6. Over fifty people have been killed over blasphemy allegations and hundreds are serving or have served prison terms ranging from three to ten years.

1Bill Chappell, *ISIS Claims Murders of 4 Christians in Pakistan*, NPR (3 Apr. 2018), https://www.npr.org/sections/thetwo-way/2018/04/03/599098645/isis-claims-murders-of-4-christians-in-pakistan.

2Asif Aqeel, *Easter Banner Torn Down From Pakistan Church*, World Watch Monitor (20 Mar. 2018), https://www.worldwatchmonitor.org/2018/03/pakistan-easter-banner-torn-down-christian-infighting-blamed; *Christians Wounded in Muslim Attack on Church Service in Pakistan*, Morning Star News (20 Mar. 2018), https://morningstarnews.org/2018/03/christians-wounded-muslim-attack-church-service-pakistan.

3Salman Masood, *Pakistan Church Attacked by 2 Suicide Bombers*, The New York Times (17 Dec. 2017), https://www.nytimes.com/2017/12/17/world/asia/pakistan-quetta-church-attack.html.

4*Pakistan: Bomb Attack on Christian Colony Kills Young Boy*, World Watch Monitor (6 Dec. 2017), https://www.worldwatchmonitor.org/coe/pakistan-bomb-attack-christian-colony-kills-young-boy.

5*See* Pak. Penal Code § 295-C.

6Naila Inayat, *Pakistan Alarms U.S. With Harsh Blasphemy Laws Allowing Rise of Radical Islam*, The Washington Times (16 Jan. 2018), https://www.washingtontimes.com/news/2018/jan/16/pakistans-islam-blasphemy-laws-hurt-us-relations/.

One of the most egregious and internationally well-known blasphemy cases in recent memory involves Asia Bibi, a Christian mother of five who was charged with and convicted of blasphemy for offering her co-workers water from her cup. According to her co-workers, Asia made the cup ceremonially unclean by drinking from it. Her co-workers asked her to convert to Islam but Asia refused. That refusal was nearly eight years ago, yet Asia is hopeful as she awaits her appeal to be heard by the Supreme Court of Pakistan. While there have been examples of progress with Asia Bibi's case in recent months, she remains on death row. Pakistani officials granted her the ability to keep a rosary from Pope Francis. More importantly, Chief Justice of Pakistan's Supreme Court, Mian Saqib Nisar, told Asia's attorney that a hearing would be scheduled soon. While this is a step forward, the Pakistani government has generally remained indifferent to Asia Bibi's harsh and unjust situation and to others similarly situated within Pakistan's borders.

Blasphemy cases also result in mob violence. So far, there has been only one case in which participants of a mob attack were arrested, charged, and convicted. There are dozens of other cases in which Muslim mobs have attacked, killed Christians, and burned and vandalised Christian homes, but no one has been punished. A primary example of such impunity is the 2013 attack on Joseph Colony in Lahore. A mob burned and looted Christian homes in response to a false allegation of blasphemy against one of Joseph Colony's residents. In 2017, Pakistani courts acquitted nearly 100 suspects accused of being part of the mob7.

Another concerning aspect of mob attacks is the authorities' response. Instead of stopping and arresting mob participants, police officials encourage religious minorities to flee when Muslim mobs form. In 2017, officials recommended that Christian families living in Sukheki village leave their homes after a young Christian, Sonu Arshad, was accused of making a blasphemous statement online. The mob called for Arshad's execution, but it eventually subsided and the Christian families returned home.

More recently, in February 2018, a Muslim mob demanded that a twenty-year-old Christian man, Patras Masih, who allegedly posted blasphemous material online, be handed over to them so he could be publicly hung8. Nearly 800 families fled their homes out of fear of violence. This situation also de-escalated and the families returned to their homes a few days later.

In addition to the instances of terrorism, mob violence, and blasphemy, many other crimes are committed against Christians on a regular basis. Most of these crimes go unpunished or enjoy extraordinary delays, often due to widespread corruption within the police department.

For example, Nadeem Masih, a Christian brick-kiln worker, was beaten by his Muslim employer for taking Sunday off from work in observance of his Christian faith and asking for payment for his work. Initially, the police would not bring charges against the employer. It was not until the victim had legal representation and the courts stepped in that a police report was filed. When the victim's day in court came, the employer was nowhere to be found. Even though the court had issued warrants against the employer over a year ago, the police have yet to arrest him.

In another case, police officers were the culprits. Seventeen-year-old, Arlsan Masih, was killed by six police officers who dragged him out of school and brutally beat him until he died. Arslan's only offense was getting into an argument with a classmate who reported Arlsan to a relative in the police department. Attorneys from the ECLJ's affiliate represented Arslan's family. After one of the defendants' bail was denied, the defendants offered Arslan's family monetary restitution in exchange for a pardon. Such a settlement offer is unusual because police often threaten families forcing them to withdraw charges. While Pakistani law allows restitutionary damages in exchange for pardons, the government could still take disciplinary action against police officers who torture people in custody. So far, no such action has been taken against Arslan's killers.

7Asif Aqeel, *Pakistan Court Acquits All Suspects in 2013 Arson of Christian Neighborhood*, World Watch Monitor (21 Jan. 2017), https://www.worldwatchmonitor.org/2017/01/pakistan-court-acquits-all-suspects-in-2013-arson-of-christian-neighbourhood/.

8Asif Aqeel, *Pakistan: 800 Christian Families Flee Neighbourhood After Blasphemy Accusation*, World Watch Monitor (20 Feb 2018), https://www.worldwatchmonitor.org/2018/02/pakistan-800-christian-families-flee-neighbourhood-blasphemy-accusation/.

3. REQUEST

The above incidents are examples of a systematic bent towards injustice within the Pakistani legal system, specifically when religious minorities are involved. The three areas outlined above—terrorist and mob attacks against religious minorities, unjust application of blasphemy laws, and the lack of justice when punishing crimes committed by the Muslim majority—show that religious minorities have little reason to expect just outcomes when issues are reported to the authorities.

The Pakistani government has the indispensable duty to protect its citizens, despite their religious beliefs. Pakistan is a party to a number of human rights treaties, including the International Covenant on Civil and Political Rights.9 In light of legal obligations under its own constitution10 and international agreements it has ratified, Pakistan is required to protect its religious minorities and their fundamental rights.

The ECLJ requests that the United Nations hold Pakistan to the standards by which it has agreed to abide. Pakistan must protect Christians and other religious minorities and bring the perpetrators of violence to justice.

9*Int'l Covenant on Civil and Political Rights*, UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER, http://indicators.ohchr.org/ (last visited 24 Jan. 2018).
10Pakistan Const. art. 9; art. 19; art. 20.